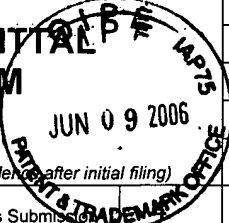
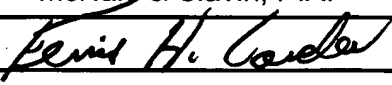



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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/706,599
	Filing Date	November 11, 2003
	First Named Inventor	Jackowski
	Art Unit	1641
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	2132.135

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks <input type="text"/>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	McHale & Slavin, P.A.		
Signature			
Printed name	Ferris H. Lander		
Date	6/5/2006	Reg. No.	43,377

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Debra N. Gerstemeier	Date	6/5/2006

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PTO/SB/17 (10-04v2)

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 180.00

**Complete if Known**

Application Number	10/706,599
Filing Date	11/11/2003
First Named Inventor	George Jackowski
Examiner Name	Changhwa J. Cheu
Art Unit	1641
Attorney Docket No.	2132.135

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number: 50-1803  
Deposit Account Name: Nanogen

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 200	2005 100	Provisional filing fee	
SUBTOTAL (1) (\$ )			

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 50	2202 25	Claims in excess of 20
1201 200	2201 100	Independent claims in excess of 3
1203 360	2203 180	Multiple dependent claim, if not paid
1204 200	2204 100	** Reissue independent claims over original patent
1205 50	2205 25	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ )		

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 120	2251 60	Extension for reply within first month	
1252 450	2252 225	Extension for reply within second month	
1253 1,020	2253 510	Extension for reply within third month	
1254 1,590	2254 795	Extension for reply within fourth month	
1255 2,160	2255 1,080	Extension for reply within fifth month	
1401 500	2401 250	Notice of Appeal	
1402 500	2402 250	Filing a brief in support of an appeal	
1403 1,000	2403 500	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 500	2452 250	Petition to revive - unavoidable	
1453 1,500	2453 750	Petition to revive - unintentional	
1501 1,400	2501 700	Utility issue fee (or reissue)	
1502 800	2502 400	Design issue fee	
1503 1,100	2503 550	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	180.00
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 180.00

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Ferris H. Lander	Registration No. (Attorney/Agent)	43,377	Telephone	(561) 625-6575
Signature	<i>Ferris H. Lander</i>	Date	6/5/2006		

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT : George Jackowski et al  
INVENTION : DIAGNOSTIC METHODS FOR CONGESTIVE  
HEART FAILURE  
SERIAL NUMBER : 10/706,599  
FILING DATE : November 11, 2003  
EXAMINER :  
GROUP ART UNIT : 1641  
ATTORNEY DOCKET NO. : 2132.135



INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the Duty to Disclose under 37 CFR §1.56, the references cited on the accompanying form PTO/SB/08A are hereby brought to the attention of the Examiner for independent evaluation. A copy of each reference is enclosed. The references were cited in the specification and their relevancy is set forth therein.

Because this Information Disclosure Statement is submitted after receipt of a substantive Office Action on the merits, the Commissioner for Patents is hereby authorized to charge the appropriate fee of \$180.00 required under 37 CFR §1.17(p) to Deposit Account No. 50-1803.

Applicants submit that the present invention is patentable over these references.

Date

6/5/2006

Respectfully submitted,

By

Ferris H. Lander

Ferris H. Lander  
Registration No. 43,377  
McHale & Slavin, P.A.  
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**Complete if Known**

Application Number	10/706,599
Filing Date	November 11, 2003
First Named Inventor	Jackowski
Art Unit	1641
Examiner Name	
Attorney Docket Number	2132.135

Sheet	1	of	3
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[illegible][illegible]

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number 10/706,599

Filing Date November 11, 2003

First Named Inventor Jackowski

Art Unit 1641

Examiner Name

Sheet 2 of 3

Attorney Docket Number 2132.135

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		G. CAIMI et al., "Erythrocyte Aggregation and Erythrocyte membrane properties in Type 2 Diabetes mellitus and in Vascular Atherosclerotic Disease", Thromb Haemost 83: 516-517 2000	
		H. DEMIROGLU et al., "Enhanced Erythrocyte Aggregation in Type 2 Diabetes with Late Complications", Experimental Clinical Endocrinol Diabetes 107 (1): 35-39 1999.	
		E. EYLAR et al., "The Contribution of Sialic Acid to the Surface Charge of the Erythrocyte", The Journal of Biological Chemistry 237(6): 1992-2000 1962.	
		M. GACZYNSKA et al., "Abnormal Degradation of Red Cell Membrane Proteins in Diabetes", Cytobios 75: 7-11 1993.	
		B.D. HAMES et al., "Antibodies as Tools" Instant Notes: Biochemistry, 2nd edition, Springer-Verlag New York 2000, pages 112-114.	
		B.D. HAMES et al., "Integral Membrane Proteins" Instant Notes: Biochemistry, 2nd edition, Springer-Verlag New York 2000, pages 125, 126, and 130.	
		M. MARTINEZ et al., "Alterations in Erythrocyte Aggregability in Diabetics: The Influence of Plasmatic Fibrinogen and Phospholipids of the Red Blood Cell Membrane", Clinical Hemorheology and Microcirculation 18: 253-258 1998.	
		A. PIWOWAR et al., "Concentration of Leukocyte Elastase in Plasma and Polymorphonuclear Neutrophil Extracts in type 2 Diabetes". Clinical Chemistry Lab Medecine 38(12) 1257-1261 2000.	
		M. RASAMOELISOLO et al., "Fine Characterization of a Series of New Monoclonal Antibodies Directed against Glycophorin A", Vox Sanguinis 72: 185-191 1997.	
		A. SANTOS-SILVA et al., "Erythrocyte Damage and Leukocyte Activation in Ischemic Stroke", Clinica Chimica Acta 320: 29-35 2002.	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/706,599
				Filing Date	November 11, 2003
				First Named Inventor	Jackowski
				Art Unit	1641
				Examiner Name	
Sheet	3	of	3	Attorney Docket Number	2132.135

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		T. A. SCOTT et al., "Erythrocyte membrane", Concise Encyclopedia: Biochemistry and Molecular Biology, Third edition, Revised and Expanded, Walter de Gruyter, Berlin-New York 1997, pages 201-202.	
		L. SOLANG et al., "Diabetes Mellitus and Congestive Heart Failure", European Heart Journal 20: 789-795, 1999.	
		B. VENERANDO et al., "Acidic and Neutral Sialidase in the Erythrocyte Membrane of Type 2 Diabetic Patients", Blood 99 (3): 1064-1070 2002.	
		M. WEGNER et al., "Role of Neutral Endopeptidase 24.11 in AV Fistular Rat Model of Heart Failure", Cardiovascular Research 31: 891-898, 1996.	
		O. ZIEGLER et al. "Increased Erythrocyte Aggregation in insulin-Dependent Diabetes Mellitus and Its Relationship to Plasma Factors: A Multivariate Analysis", Metabolism 43 (9): 1182-1186, 1994.	

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